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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : Before the Examiner:
Balaram Sinharoy et al. : Li, Aimee J.

Serial No.: 09/548,469 : Group Art Unit: 2183

Filed: April 13, 2000 :

Title: USE OF SOFTWARE HINT FOR : IBM Corporation
BRANCH PREDICTION IN THE : Intellectual Property Law
ABSENCE OF HINT BIT IN THE : 11400 Burnet Road
BRANCH INSTRUCTION : Austin, Texas 78758

RESPONSE TO NOTICE OF NON-COMPLIANCE

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Non-Compliance having a mailing date of March 7, 2005 (Paper No. 16), with a time for response set to expire on April 7, 2005, Applicants respond as follows:

CERTIFICATION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence (along with any item referred to as being enclosed herewith) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 6, 2005.


Signature

Serena Beller

(Printed name of person certifying)

The Examiner asserts that Appellants' Supplemental Appeal Brief (Paper No. 14) does not contain a status of all claims or does not identify the appealed claims. Applicants would like to point out that Appellants' Supplemental Appeal Brief incorporated by reference sections I-V and VIII-IX of Appellants' Appeal Brief mailed on August 9, 2004 which included sections (III and VI) detailing the status of the claims and the appealed claims. The Examiner is reminded that Appellants' Supplemental Appeal Brief was filed in response to requesting reinstatement of the Appeal Brief. Nevertheless, Applicants have included a section entitled "Status of Claims" in the Amended Supplemental Appeal Brief, filed herewith, that specifically contains a status of all claims and identifies the appealed claims.

The Examiner further asserts that Appellants' Supplemental Appeal Brief (Paper No. 14) does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal. Again, as stated above, Appellants' Supplemental Appeal Brief incorporated by reference sections I-V and VIII-IX of Appellants' Appeal Brief mailed on August 9, 2004 which included a section (V) containing a concise explanation of the subject matter defined in each of the independent claims involved in the appeal. Nevertheless, Applicants have included a section entitled "Summary of Claimed Subject Matter" in the Amended Supplemental Appeal Brief, filed herewith, that specifically contains a concise explanation of the subject matter defined in each of the independent claims involved in the appeal.

The Examiner further asserts that Appellants' Supplemental Appeal Brief (Paper No. 14) does not contain a correct copy of the appealed claims in an appendix. Again, as stated above, Appellants reinstated the Appeal Brief having a mailing date of August 9, 2004 which included an appendix of the appealed claims. Nevertheless, Applicants have included an appendix listing the appealed claims in the Amended Supplemental Appeal Brief filed herewith.

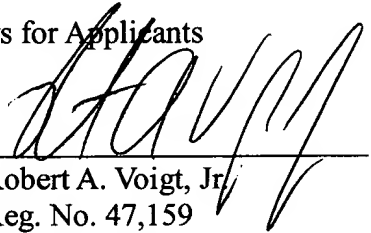
Accordingly, Applicants respectfully assert that the Amended Supplemental Appeal Brief is in compliance and respectfully request the Examiner to withdraw the notice of non-compliance.

Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.

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